

AN ORDINANCE **84863**

**AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION OF AND REZONING CERTAIN PROPERTY DESCRIBED HEREIN.**

\* \* \* \* \*

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1. Section 35-3007 of the Unified Development Code which is Chapter 35 of the City Code and constitutes the comprehensive zoning ordinance of the City of San Antonio is hereby amended so that it shall hereafter include the following described changes of classification and the rezoning of the hereinafter designated property to-wit:**

**CASE NO. Z96178**

The rezoning and reclassification of property from Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "B-2" ERZD Business Edwards Recharge Zone District and "O-1" ERZD Office Edwards Recharge Zone District listed below as follows:

Temp. "R-1" ERZD to "B-2" ERZD

Lot 3, Block 1, NCB 14729  
Huebner Road

Temp. "R-1" ERZD to "O-1" ERZD

Lots 1, 4, 5, 6 and 7, Block 1, NCB 14729  
Moonlight Way and Pebble Lane

Provided that the following recommendations of the Aquifer Studies Office are incorporated herein and attached hereto for all purpose.

The Aquifer Studies Office recommendations are as follows:

1. Should this property be redesignated as a Category 2, prior to the release of any building permits the owner/operator shall obtain a Letter of Certification from the Watershed Protection and Management Department of the San Antonio Water System.
2. Prior to the release of any building permits the following shall be submitted to the Aquifer Studies Division of the San Antonio Water System:
  - A. A Water Pollution Abatement Plan shall be submitted for each particular development/use within the area being considered for re-zoning;
  - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas;

- C. A letter from the Texas Natural Resource Conservation Commission approving each Water Pollution Abatement Plan;
  - D. A copy of the approved Water Pollution Abatement Plan.
3. A stormwater pollution abatement plan must be submitted to and approved by the Aquifer Studies Division before the release of any building permits. This shall also be addressed in the Water Pollution Abatement Plans. A maintenance schedule for the stormwater abatement facility shall be included in the design submittal.
  4. The land uses within the commercial zoned areas shall be in conformance with the table of permitted uses at the time the rezoning is approved. Should a proposed use be listed as requiring special City Council approval, the owner/operator shall apply for rezoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.
  5. The owner/operator shall carry out four (4) separate sampling events for stormwater runoff through the approved pollution abatement structure on an annual basis. Both the influent and effluent at the approved pollution abatement structure shall be tested for Total Recoverable Petroleum Hydrocarbons (TRPH) by EPA Method 418.1 and Total Suspended Solids (TSS) by EPA Method 160.2 and the sampling events shall be at least four (4) weeks apart. Dependent on the final landscape design and amount of landscaping for the development, testing for Total Phosphorous (TP) by EPA Method 356.4 may be required at the discretion of the Aquifer Studies Division staff. Should the standard EPA methodology for the aforementioned tests change, then the newly designated EPA methodology at that time shall be utilized. Aquifer Studies Division staff shall be notified 2 hours prior to sample collection and analytical tests shall be provided to San Antonio Water System Aquifer Studies Division.
  6. That only a minimal amount of Pesticides, herbicides, or fertilizers needed for landscape maintenance shall be used. Landscaped areas shall be sensitive to minimize water need (i.e. use of native plants);
  7. The storage, handling, use and disposal of all materials within this facility shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law. A list of materials with copies of the pertinent Material Safety Data Sheets (MSDS) shall be provided to the San Antonio Water System, Aquifer Studies Division.
  8. That the City of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction, according to State and City Regulations and Code;
  9. If any solution openings, caves, sinkholes, or water wells are found during construction excavation construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210)490-3096 and the Aquifer Studies Division at (210)704-7303.

SECTION 2. All other provisions of Chapter 35, as amended, shall remain in full force and effect, including the penalties for violations as made and provided in Section 35 - 1024.

SECTION 3. The Director of Planning shall change the zoning records and maps in accordance herewith and the same shall be available and open to the public for inspection.

SECTION 4. This ordinance is not severable.

PASSED AND APPROVED THIS 26<sup>th</sup> DAY OF September 19 96

ATTEST: Anna S. Rodriguez  
City Clerk

[Signature]  
MAYOR

APPROVED AS TO FORM: [Signature]  
CITY ATTORNEY

96-39

**MEETING OF THE CITY COUNCIL**

ALAMODOME
ARTS & CULTURAL AFFAIRS
ASSET MANAGEMENT
AVIATION
BUDGET & MANAGEMENT ANALYSIS
BUILDING INSPECTIONS
HOUSE NUMBERING
CITY ATTORNEY
MUNICIPAL COURT
REAL ESTATE (FASSNIDGE)
REAL ESTATE (WOOD)
CITY MANAGER
SPECIAL PROJECTS - FRANCES GONZALES
CITY PUBLIC SERVICE - GENERAL MANAGER
CITY PUBLIC SERVICE - MAPS AND RECORDS
CODE COMPLIANCE
COMMERCIAL RECORDER
COMMUNITY INITIATIVES
COMMUNITY RELATIONS
PUBLIC INFORMATION
CONVENTION AND VISITORS BUREAU
CONVENTION CENTER EXPANSION OFFICE
CONVENTION FACILITIES
ECONOMIC DEVELOPMENT
FINANCE - DIRECTOR
FINANCE - ASSESSOR
FINANCE - CONTROLLER
FINANCE - GRANTS
FINANCE - RISK MANAGEMENT
FINANCE - TREASURY
FIRE DEPARTMENT
HOUSING AND COMMUNITY DEVELOPMENT
HUMAN RESOURCES (PERSONNEL)
INFORMATION SERVICES
INTERGOVERNMENTAL RELATIONS
INTERNAL REVIEW
INTERNATIONAL AFFAIRS
LIBRARY
METROPOLITAN HEALTH DISTRICT
MUNICIPAL CODE CORPORATION
MUNICIPAL COURT
PARKS AND RECREATION
MARKET SQUARE
PLANNING DEPARTMENT
DISABILITY ACCESS OFFICE
LAND DEVELOPMENT SERVICES
POLICE DEPARTMENT
GROUND TRANSPORTATION
PUBLIC WORKS DIRECTOR
CAPITAL PROJECTS
CENTRAL MAPPING
ENGINEERING
PARKING DIVISION
REAL ESTATE DIVISION
SOLID WASTE
TRAFFIC ENGINEERING
PURCHASING AND GENERAL SERVICES
SAN ANTONIO WATER SYSTEMS (SAWS)
VIA
YOUTH INITIATIVES

AGENDA ITEM NUMBER: 3A

DATE: SEP 26 1996

MOTION: Mark 2ND: Webster

ORDINANCE NUMBER: 84863

RESOLUTION NUMBER: \_\_\_\_\_

ZONING CASE NUMBER: 296178

TRAVEL AUTHORIZATION: 2c Recommendation

NAME	ROLL	AYE	NAY
ROGER FLORES, II District 1		✓	
DOLORES M. LOTT District 2		✓	
LYNDA BILLA BURKE District 3		absent	
HENRY AVILA District 4		absent	
JUAN F. SOLIS, III District 5		✓	
ROBERT A. HERRERA District 6		✓	
BOB ROSS District 7		absent	
ROBERT MARBUT District 8		✓	
HOWARD W. PEAK District 9		absent	
JEFF S. WEBSTER District 10		✓	
WILLIAM E. THORNTON Mayor		✓	

PROPONENT: B2 ERZD & O1 ERZD (ofcs & business)

ZONING COMMISSION: Approval. (+ SAWS recorm's)

CITY STAFF: 0-1 only on all (+ SAWS recorm's)

**96-39**

**Zoning Case No.:** Z96178

**Date:** September 3, 1996

**Council District:** 8

**Appeal:** Yes

**Applicant:** City of San Antonio

**Owner:** John Lenz

**Zoning Request:** Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "O-1" ERZD Office Edwards Recharge Zone District and "B-2" ERZD Business Edwards Recharge Zone District.

**Property Location:**

Temporary "R-1" ERZD to "B-2" ERZD

Lot 3, Block 1, NCB 14729

Huebner Road

Property is located west of the intersection of Huebner Road and the Southern Pacific railroad right-of-way, having 179.22 feet on Huebner Road and 148.85 feet on the Southern Pacific railroad right-of-way.

Temporary "R-1" ERZD to "O-1" ERZD

Lots 1, 4, 5, 6 and 7, Block 1, NCB 14729

Moonlight Way and Pebble Lane

Properties are located east of the intersection of Pebble Lane and Moonlight Way, having 393.03 feet on Pebble Lane and 267.06 feet on Moonlight Way.

**Zoning Commission Recommendation:**

Approval, provided that the recommendations of the Aquifer Studies Office are met.

<b>VOTE;</b>	
<b>FOR</b>	8
<b>AGAINST</b>	0
<b>ABSTAIN</b>	0

**Applicants Proposal:**

To zone properties "O-1" and "B-2" as directed by City Council.

Z96178

**Case History and Discussion:**

1. Properties were considered by the Zoning Commission as two separate zoning cases. The first case was considered by the Commission on February 21, 1995 on the lots fronting Moonlight Way. At that time the Commission recommended approval of the requested change of "R-3" CC for a Montessori and nursery school.. This case was presented to City Council on July 27, 1995 and the requested change was denied. The second case considered by the Commission on October 17, 1995 on the lots fronting onto Huebner Road and Pebble Way. The Commission recommended denial of the requested "O-1" and recommended "R-1" along Pebble Way and "O-1" on the remaining portion. City Council did not take any action on this case.
2. The area under consideration has access to Huebner Road, a primary arterial. Along this arterial to the southeast and southwest there are several lots that have been zoned as "O-1" Office.
3. To north and west there is a sparsely developed single family subdivision. To the northeast, across the railroad right-of-way there is a quarry.

**Staff Recommendations:**

Denial of "B-2" and approval of "O-1" on all of the lots, provided that the recommendations of the Aquifer Studies Division of the San Antonio Water Systems are met. The recommended "O-1" is consistent with the zoning pattern being established along this primary arterial.

**ZONING CASE NO. Z96178**

Applicant: City of San Antonio

Zoning Request: Temporary "R-1" ERZD Single Family Residence Edwards Recharge Zone District to "O-1" ERZD Office Edwards Recharge Zone District and "B-2" ERZD Business Edwards Recharge Zone District.

Mr. John Lenz, 3915 Hunters Crest, owner, stated he is requesting the change of zoning for offices on the requested "O-1" and a retail floor covering business on the "B-2" area. He stated he has met with and has full support from Northside Neighborhood for Organized Development.

Z96178

## IN OPPOSITION

Mr. Frank Tuttle, 12126 Huebner Road, stated he is in opposition of the request because they do not want retail sales businesses in the area and would prefer for it to remain residential.

Ms. Pam Obrecht, stated she is opposed to the request because she would like for the area to remain residential.

Mr. Chris Obrecht, stated he is in opposition of the request because of traffic problems it will bring into the area and that ingress and egress from the property will be very difficult.

Mr. Rick French, stated he is opposition of the request because of the heavy traffic it will bring into the area and would prefer for the property to be zoned "O-1" only.

Ms. Gay Fay Tuttle, 12126 Huebner, stated she is in opposition of the request because they would like for the are to remain residential.

## REBUTTAL

Mr. Lenz, stated in regards to the traffic, accessibility will be from Huebner Road only so there will not be any additional traffic on Moonlight Way. He stated they have tried to meet all of the neighbors concerns and if there is anything they have not address they will incorporate in their final plan.

Staff stated there were 9 notices mailed out to the surrounding property owners, 1 returned in opposition and 1 returned in favor.

Everyone present, for and against, having been heard and the results of the written notices having been received, the Chairman declared the public hearing closed.

**Z96178**

**COMMISSION ACTION**

The motion was made by Mr. McMahon and seconded by Mr. Williams to recommend approval of the request, provided that the recommendations of the Aquifer Studies Office are met for the following reasons:

1. Property is located Lot 3, Block 1, NCB 14729, Lots 1, 4, 5, 6 and 7, Block 1, NCB 14729, west of the intersection of Huebner Road and the Southern Pacific railroad right-of-way.
2. There were 9 notices mailed out, 1 returned in opposition and 1 returned in favor.
3. Staff recommended denial of "B-2" and approval of "O-1" on all of the lots.

**AYES:** Carpenter, Menendez, Hophan, Williams, Emerson, Borrego, McMahon, Arellano

**NAYS:** None

**THE MOTION CARRIED.**

SAN ANTONIO WATER SYSTEM  
Interdepartment Correspondence Sheet

RECEIVED

29 AUG 27 PM 3:33

To: Zoning Commission Members

From: Scott R. Halty, Department of Watershed Protection and Management  
Director

Copies To: Rebecca Quintanilla Cedillo, Vice President of Planning, San Antonio Water  
System, Michelle Marlar, Planner III, Aquifer Studies Division

Subject: Zoning Case Z96178

PLANNING  
DEVELOPMENT  
SERVICES DIVISION

Date: August 27, 1996

### SUMMARY

A request for a change in zoning has been made by Mr. John Lenz, owner, for Lots 1, 3, 4, 5, 6 and 7, Block 1, NCB 14729, consisting of approximately 4 acres located on the northeastern corner of Moonlight Way and Huebner Road. A requested change from R-1 ERZD to B-2 ERZD is being made for Lot 3, and a change from R-1 ERZD to O-1 ERZD is being requested for Lots 1, 4, 5, 6 and 7. The change in zoning will allow for the property to be developed as commercial property.

**NOTE: According to the provisions set forth in Ordinance No 81491, this property has been designated as a Category I for R-1 Residential uses. The proposed change in zoning will cause the property to be redesignated as a Category 2. Thus the property will be developed in accordance with all the provisions stated in Ordinance No. 81491 pertaining to Category 2 properties.**

### LOCATION

The subject tract is located in City Council District 8, on the northeastern corner of Moonlight Way and Huebner Road. The entire tract lies within the Recharge Zone of the Edwards Aquifer (Figures 1 and 2).

### SITE ASSESSMENT

An investigation was made of the subject tract to evaluate the existing geologic conditions and to observe possible environmental concerns.

The site is currently undeveloped, and covered primarily with oak trees and natural grasses. The subject tract displays low topographic relief and the Edwards bedrock outcrops sporadically across the site. The exposed Edwards outcrops sporadically across the tract. The exposed Edwards displays very minor fracturing and is primarily massive in appearance. Soil has infilled these fractures, thus impeding infiltration of surface water into the Edwards Aquifer. Drainage from

the site will flow in a southeasterly direction into a drainage easement which directs water to the east, and proceed into Olmos Creek which flows to the south and off of the Recharge Zone. No potential recharge features were observed on the subject site.

### **ENVIRONMENTAL CONCERNS**

The environmental concerns associated with this proposed re-zoning and development as a commercial property located on the Edwards Aquifer Recharge Zone area as follows:

1. The build-up hydrocarbons and other pollutants on streets, parking lots and other paved areas which area then carried off in the first flush of stormwater run-off;
2. The proper construction of the sewer mains and service laterals to prevent wastewater from entering the subsurface;
3. Improper use of pesticides, herbicides, or fertilizers needed for landscape maintenance which may be carried off in the first flush of stormwater run-off.

### **ENVIRONMENTAL RECOMMENDATIONS**

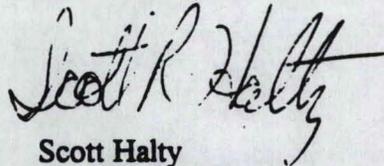
The following are recommendations put forth to address the environmental concerns proposed for this area located on the Edwards Aquifer Recharge Zone:

1. Should this property be redesignated as a Category 2, prior to the release of any building permits the owner/operator shall obtain a Letter of Certification from the Watershed Protection and Management Department of the San Antonio Water System.
2. Prior to the release of any building permits the following shall be submitted to the Aquifer Studies Division of the San Antonio Water System:
  - A. A Water Pollution Abatement Plan shall be submitted for each particular development/use within the area being considered for re-zoning;
  - B. A set of site specific plans which must have a signed Engineers Seal from the State of Texas;
  - C. A letter from the Texas Natural Resource Conservation Commission approving each Water Pollution Abatement Plan;
  - D. A copy of the approved Water Pollution Abatement Plan.

3. A stormwater pollution abatement plan must be submitted to and approved by the Aquifer Studies Division before the release of any building permits. This shall also be addressed in the Water Pollution Abatement Plans. A maintenance schedule for the stormwater abatement facility shall be included in the design submittal.
4. The land uses within the commercial zoned areas shall be in conformance with the table of permitted uses at the time the rezoning is approved. Should a proposed use be listed as requiring special City Council approval, the owner/operator shall apply for rezoning for that particular use at that site. If the land use is listed as prohibited, that land use will not be permitted on that site.
5. The owner/operator shall carry out four (4) separate sampling events for stormwater runoff through the approved pollution abatement structure on an annual basis. Both the influent and effluent at the approved pollution abatement structure shall be tested for Total Recoverable Petroleum Hydrocarbons (TRPH) by EPA Method 418.1 and Total Suspended Solids (TSS) by EPA Method 160.2 and the sampling events shall be at least four (4) weeks apart. Dependent on the final landscape design and amount of landscaping for the development, testing for Total Phosphorous (TP) by EPA Method 365.4 may be required at the discretion of the Aquifer Studies Division staff. Should the standard EPA methodology for the aforementioned tests change, then the newly designated EPA methodology at that time shall be utilized. Aquifer Studies Division staff shall be notified 2 hours prior to sample collection and analytical tests shall be provided to San Antonio Water System Aquifer Studies Division.
6. That only a minimal amount of pesticides, herbicides, or fertilizers needed for landscape maintenance shall be used. Landscaped areas shall be sensitive to minimize water need (i.e. use of native plants);
7. The storage, handling, use and disposal of all materials within this facility shall be consistent with the labeling of those materials. Failure to comply with the label warnings may constitute a violation of Federal law. A list of materials with copies of the pertinent Material Safety Data Sheets (MSDS) shall be provided to the San Antonio Water System, Aquifer Studies Division.
8. That the city of San Antonio shall inspect all future construction of service laterals and sewer mains for proper construction, according to State and City Regulations and Code.;
9. If any solution openings, caves, sinkholes, or water wells are found during construction excavation construction, or blasting, the developer shall notify the Texas Natural Resource Conservation Commission at (210) 490-3096 and the Aquifer Studies Division at (210) 704-7303.

Zoning Commission Members  
Z96178  
Page Four

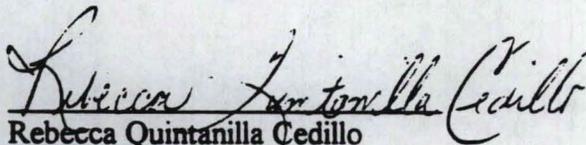
Based on the environmental assessment of the property, and the intended land use, staff recommends **approval** of the intended use as long as the applicant agrees to abide by all recommendations made in this document.



Scott Halty  
Department Director

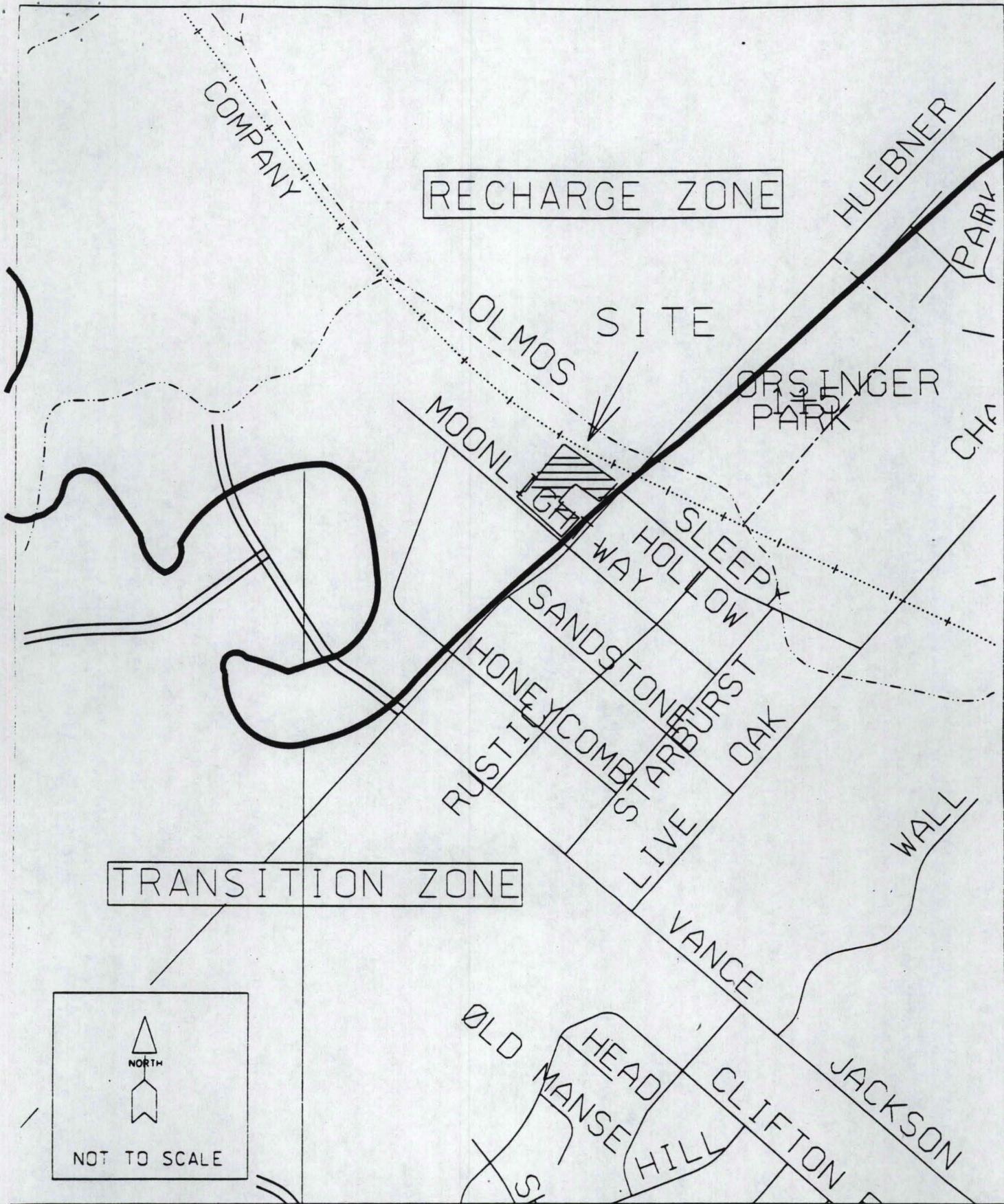
SRH:amm

Approved;



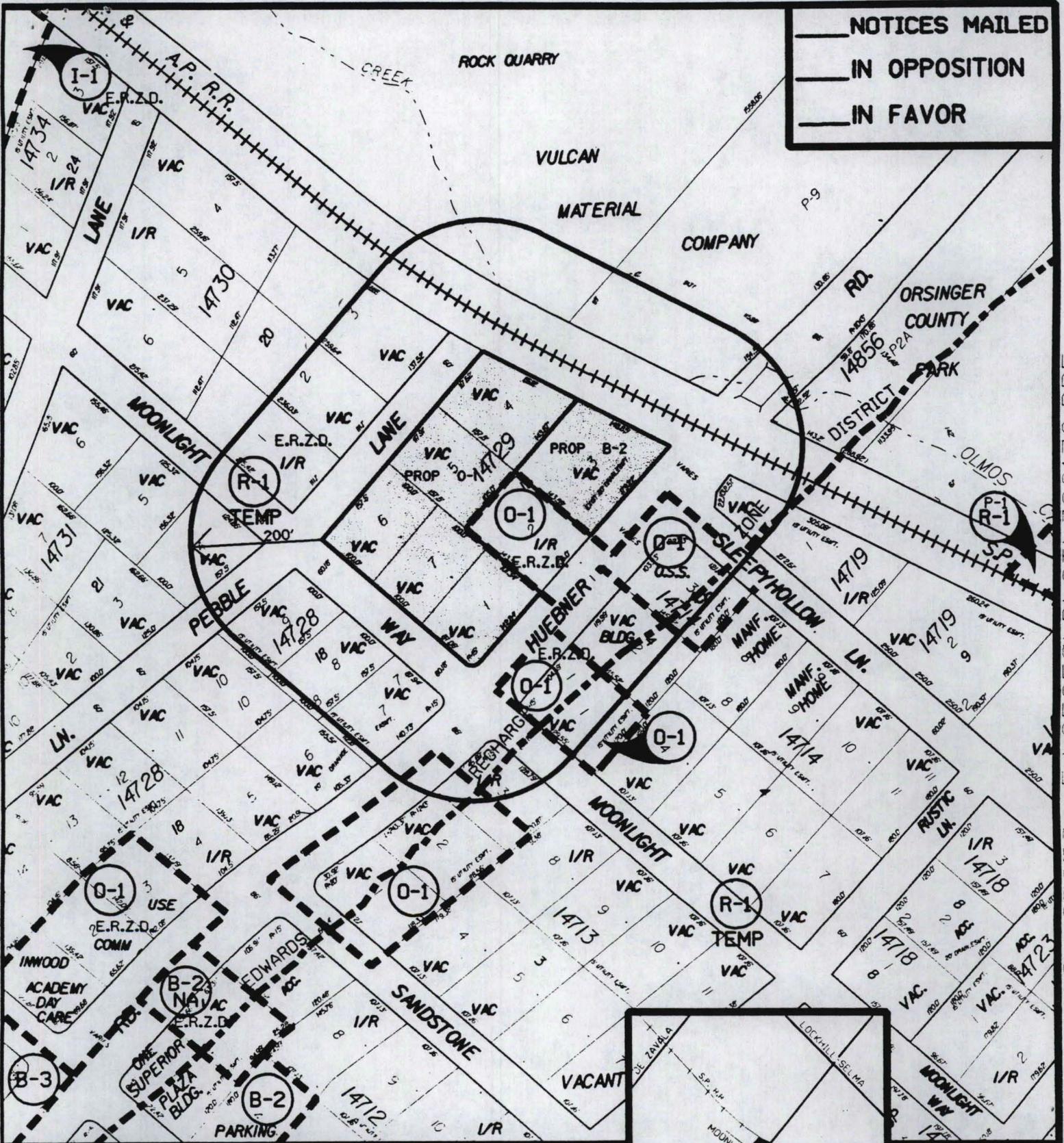
Rebecca Quintanilla Cedillo  
Vice President of Planning  
San Antonio Water System





Zoning Case Z96178  
 Figure II

\_\_\_\_\_ NOTICES MAILED  
 \_\_\_\_\_ IN OPPOSITION  
 \_\_\_\_\_ IN FAVOR



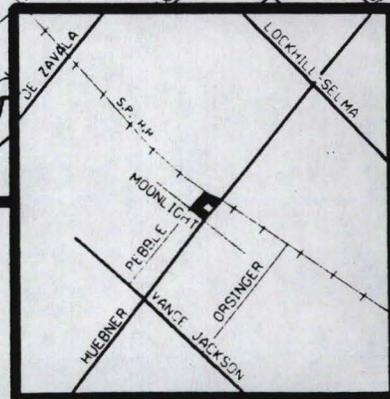
**ZONING CASE Z96178**

CITY COUNCIL DISTRICT NO: 8

REQUESTED ZONING CHANGE

FROM TEMP 'R-1' ERZD. TO 'O-1' ERZD AND  
 DATE SEPTEMBER 26, 1994 'B-2' ERZD

SCALE 1" = 200'



**NORTH**

**DEPARTMENT OF PLANNING  
 SAN ANTONIO, TEXAS**

SAN ANTONIO, TEXAS GENERAL PLAN 700170 DDE

# Affidavit of Publisher

STATE OF TEXAS,

COUNTY OF BEXAR

CITY OF SAN ANTONIO

Before me, the undersigned authority, on this day

Stella Orozco

, who being

says on oath that she is Legal Editor

Recorder, a newspaper of general circulation in the City of

State and County aforesaid, and that the Public Notice-An Ordinance

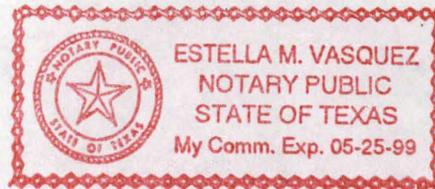
hereto attached has been published in every issue of said newspaper on the following days, to-wit: October 1, 1996.

*Stella Orozco*

Sworn to and subscribed before me this 1st day of October, 1996.

*Estella M. Vasquez*

Notary Public in and for Bexar County, Texas



**PUBLIC NOTICE**  
**AN ORDINANCE 84863**  
AMENDING CHAPTER 35 OF THE CITY CODE THAT CONSTITUTES THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF SAN ANTONIO BY CHANGING THE CLASSIFICATION AND REZONING OF CERTAIN PROPERTY DESCRIBED HEREIN AS LOT 3, BLOCK 1, NCB 14729; HUEBNER ROAD; FROM TEMPORARY "R-1" ERZD SINGLE FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "B-2" ERZD BUSINESS EDWARDS RECHARGE ZONE DISTRICT; AND LOTS 1, 4, 5, 6 AND 7, BLOCK 1, NCB 14729; MOONLIGHT WAY AND PEBBLE LANE; FROM TEMPORARY "R-1" ERZD SINGLERED FAMILY RESIDENCE EDWARDS RECHARGE ZONE DISTRICT TO "O-1" ERZD OFFICE EDWARDS RECHARGE ZONE DISTRICT; PROVIDED THAT THE NINE (9) RECOMMENDATIONS OF THE AQUIFER STUDIES OFFICE ARE ADHERED TO. "THE PENALTY FOR VIOLATION IS A FINE NOT TO EXCEED \$1,000.00".  
10/2

NO. 84-CI-09878A

VANCE JACKSON VENTURE,  
WALTER ST. JAMES,  
BARBARA ST. JAMES  
Plaintiffs

V.

DON W. FOSTER, DON M. BAUCUM,  
ET AL.,  
Defendants

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

BEXAR COUNTY, TEXAS

*224th*  
~~250TH~~ JUDICIAL DISTRICT

AGREED JUDGMENT

On the 29th day of June, 1984, came on to be heard the above-entitled and numbered cause and Plaintiffs, appeared in person and by attorney of record and announced ready for trial, and Defendants, appeared in person and by attorney of record and announced ready for trial. Wood Land Place, a Texas General Partnership, appeared in person and by its attorney and requested intervene as a party Defendant herein and the Advent Group appeared through counsel and requested to intervene as a party Plaintiff. No jury having been demanded, all matters of fact and things in controversy were submitted to the Court.

The Court proceeded to receive evidence and, upon consideration of good and sufficient evidence, arguments of counsel, and stipulations entered of record, found that the material allegations of Plaintiffs' Original Petition for Declaratory Judgment are well founded as to a portion of the properties within Wood Land Manor Subdivision, Bexar County, Texas (more fully described and defined below as "affected properties"), but that the relief sought by Plaintiffs should be granted only with respect to the affected properties, so that the Court's judgment may become final today as to the affected

*Presented by John Lenz*

IT IS, THEREFORE, ORDERED, ADJUDGED, and DECREED, that all restrictive covenants set forth in deeds to those certain below enumerated lots located within Wood Land Manor Subdivision, Units 1, 2, and 3, as shown on plats filed in Volume 2805, Pages 219, 233, and 258, respectively, have been waived and abandoned and because of changed conditions within Wood Land Manor and surrounding Wood Land Manor are no longer in effect, are invalid and void as a matter of law, and are hereby cancelled, as to the following described properties only, to-wit:

Lots 1 - 6, Block 17, Lots 1 - 15, Block 18, Lots 1 - 7, Block 19, Lots 1 - 6, Block 20, Lots 1 - 10, Block 21, Lots 1 - 3, Block 22, Lots 1 - 8, Block 23, Lots 1 - 3, Block 24, Wood Land Manor Subdivision, Unit 3, being all of the lots within said subdivision unit, as shown by plat filed of record in Volume 2805, Page 258, Map and Plat Records of Bexar County, Texas;

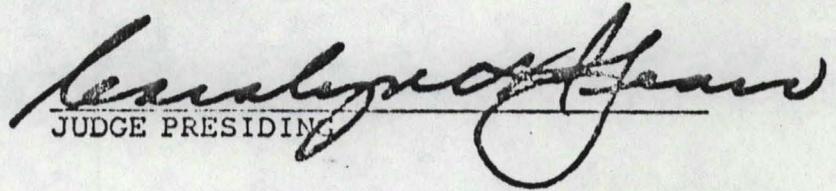
Lot 1, 6, and 7, Block 1; Lot 1, 2, and 3, Block 2; Lot 1, 2, and 3, Block 3; Lot 1, 2, and 3, Block 4; Lot 1, 2, and 3, Block 9; Wood Land Manor Subdivision, Unit 1, as shown by plat filed in Volume 2805, Page 219, Map and Plat Records of Bexar County, Texas (hereinafter collectively defined as and referred to as "affected property").

The Court makes no findings with respect to the validity of the restrictive covenants in deeds to the unaffected property. The Court's failure to make findings with respect to the validity of the restrictive covenants in the unaffected property has no effect on the Court's finding today with respect to the affected properties. Any subsequent findings regarding the validity of the restrictive covenants in the unaffected property shall have no force or effect on today's judgment regarding the affected properties.

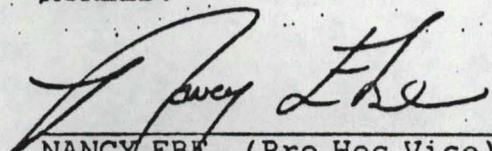
IT IS FURTHER ORDERED, ADJUDGED, and DECREED that as to the unaffected properties Plaintiffs' cause is severed. The District Clerk shall open a file no. 84-CI-09878A styled DON W. FOSTER, DON M. BAUCUM, and THE ADVENT GROUP, Plaintiffs v. WOOD LAND PLACE, a Texas General Partnership, Defendant, and include in such file and a copy of this Judgment. Because there has been a final judgment today with respect to the rights and interests of Plaintiffs Vance Jackson Venture, Barbara St. James and Walter St. James in the affected property, they will not serve as Party Plaintiffs in the new cause no. 84-CI-09878A.

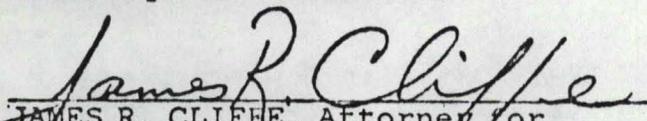
IT IS FURTHER ORDERED, that DON W. FOSTER, DON M. BAUCUM, and THE ADVENT GROUP, shall replead as Plaintiffs in the cause hereby severed within forty-five (45) days from signing hereof and that Wood Land Place, Defendant shall file answer thereto within fifteen (15) days of the date of filing of petition by DON W. FOSTER, DON M. BAUCUM and THE ADVENT GROUP.

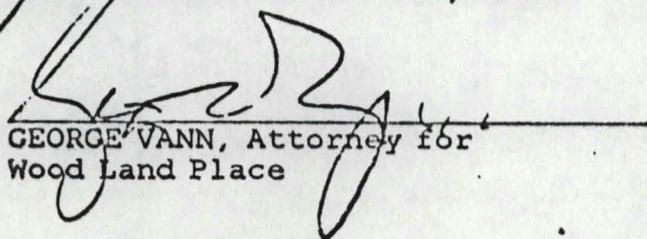
SIGNED this 29th day of June, 1984.

  
JUDGE PRESIDING

AGREED:

  
NANCY EBE, (Pro Hoc Vice)  
FOR WILLIAM IKARD  
Attorneys for Plaintiffs

  
JAMES R. CLIFFE, Attorney for  
Don W. Foster and Don M. Baucum

  
GEORGE VANN, Attorney for  
Wood Land Place

**HARRY JEWETT ASSOCIATES**Engineers v Planners v Consultants**MEMORANDUM**

**TO:** COUNCILMAN ROBERT MARBUT  
**FROM:** HARRY JEWETT  
**SUBJECT:** WOOD LAND MANOR/PLANNING  
**DATE:** June 24, 1996  
**VIA:** FAX

---

In response to your request we have reviewed the area located along the north side of Huebner Road between Vance Jackson Road and the Southern Pacific Railroad tracks. The area was originally subdivided in 1951. However, only a minimum amount of the required subdivision improvements were ever installed. There have been two areas of the original subdivision that have been replatted. These deal with the property between Honey Comb Drive and Vance Jackson and a lot at the NE corner of Huebner Road and Honey Comb Drive.

For the sake of our analysis of this area, we have limited our scope to the area between Honey Comb Drive, the northerly line of the original Wood Land Manor subdivision, the Southern Pacific Railroad right-of-way and Huebner Road. Within this area we have investigated the possible development concepts applicable to (1) the pending request on behalf of John Lenz to rezone six lots off the NE corner of Huebner Road and Moonlight Way and (2) the remaining residentially zoned property. There appears to be deed restrictions that have been recorded with this subdivision. We have not attempted to review these restrictions and any redevelopment plan and subsequent rezoning would have to address these restrictions.

- I. The proposed development alternatives that were provided to us by Mr. Lenz call for a 4 or 5 building complex with 24,000 to 25,000 square feet of space. His concept proposes office and retail utilization. His plan envisions three (3) points of driveway access onto Moonlight Way and probably two (2) driveways onto Huebner Road. The plan was not definite regarding the development proposed for Lots 3, 4 and 5.

**CONCLUSIONS AND RECOMMENDATIONS**

There are several factors that must be addressed relative to any development of the Lenz

D:\WPWIN2\AJOB5119960603\MARBUT.MEM

2611 North Main Avenue ▲ San Antonio, Texas 78212-2920 ▲ (210) 737-3417 ▲ (210) 733-5384 Fax

property. The property is located on the Edwards Aquifer Recharge Zone. There are drainage considerations and a flood zone on the adjoining railroad right-of-way that must be evaluated. The access to Moonlight Way is something we believe should be avoided. Because there is an existing office located on Lot 2, the utilization of the balance of this block of property for office use, is appropriate. This use however should be done in such a manner as to not infer with the residential development (existing or anticipated) on the surrounding property. With the exception of the frontage of Huebner Road, we believe that the future land use for the other portions of undeveloped land, will be residential in some form.

We would recommend that consideration be given to allowing for the rezoning of Lots 1, 3, 4, 5, 6 and 7 to a planned unit development office district "P-1 (0-1)." This zoning would allow for the anticipated office utilization plus provide some additional amount of development flexibility to work with this site. We would also impose the following provisions with the P.U.D. plan:

1. Non-access to Pebble Lane and Moonlight Way.
2. Twenty-five (25) foot landscaped area along Pebble Lane and Moonlight Way.
3. Six (6) foot masonry fence along a line 25' off Moonlight Way and Pebble Lane.
4. Two (2) points of access to Huebner Road.

To illustrate the concept we envision, we have prepared the accompanying plan. This plan could be done under the "P-1 (0-1)" zoning. It would allow for individual ownership of the buildings and a common area maintenance. This plan would yield approximately 19, 250 square feet of office space with parking for 69 cars. It is our belief that a concept such as this should be pursued for the utilization of the subject property.

## II. WOOD LAND MANOR PLAN

We have reviewed the balance of the Wood Land Manor subdivision. With the exception of the four (4) development properties that face Huebner Road, there are only five (5) other permanent land uses on the property. There are thirty-one (31) vacant lots owned by twenty-four (24) different individuals. Only two (2) of the four platted streets are in place and they are not up to city standards.

### CONCLUSIONS AND RECOMMENDATIONS

The presently utilized property requires that Honey Comb Drive and Moonlight Way should remain as streets. The dead end sections of Pebble Lane and Pebble Lane, east of Moonlight Lane should also be retained. This leaves the alignment of Pebble Lane and Pebble Lane between Honey Comb Drive and Moonlight Way as being questionable. The lot pattern and resulting land utilization for this area is ineffective. With the multiple ownership of these

platted and undeveloped lots, it appears that the most beneficial alternative for the future utilization of this property would be to assemble the land under the Texas Urban Renewal law provisions. This would allow for a new pattern of lots. Lots that could then be used if desired by the current property owners or it could be a way out for the owners of lots who want to dispose of their property. The present status of the property renders it as a liability and not as an asset.

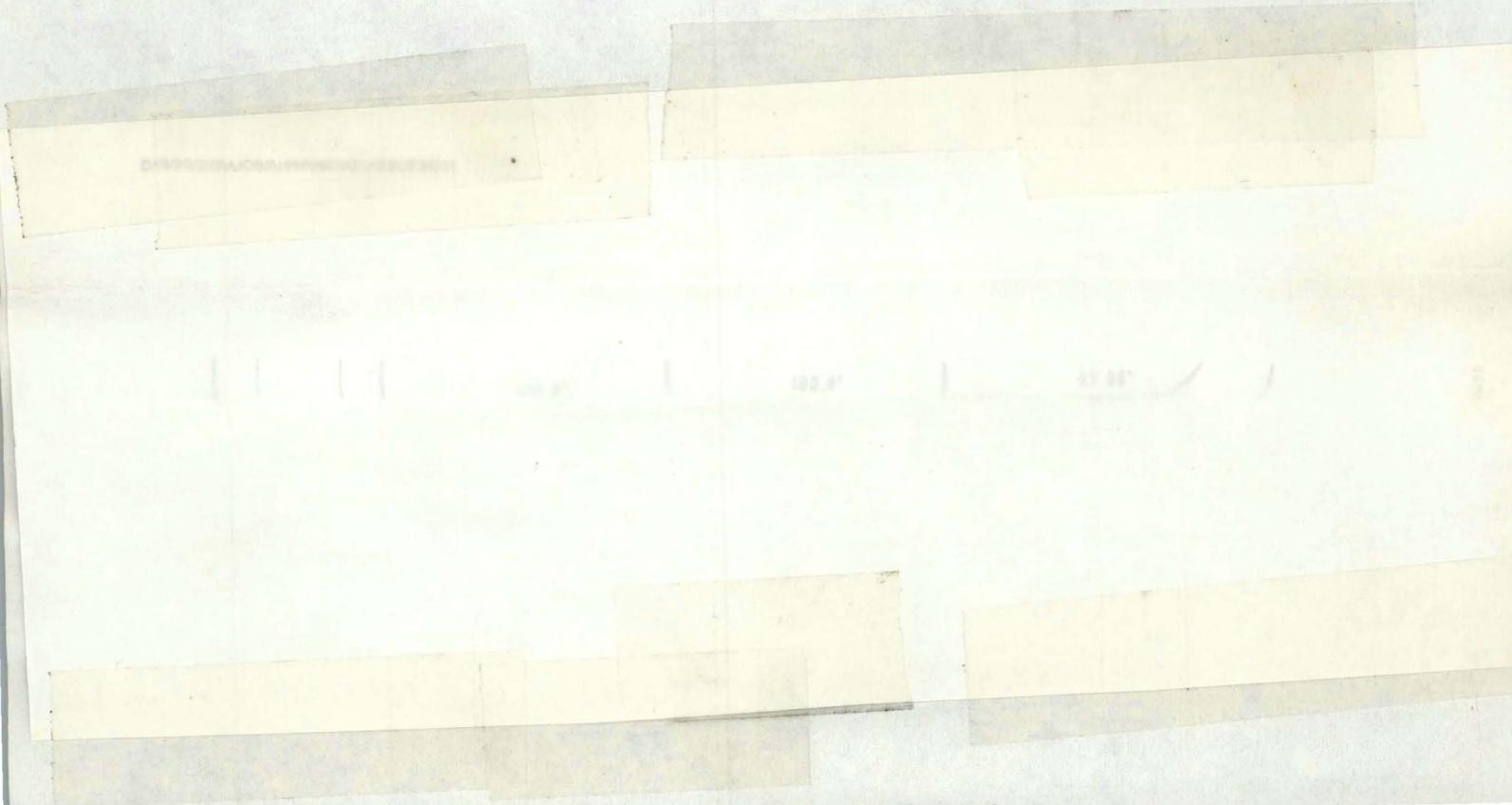
We have prepared a development concept alternative that could be applied to this area. There are many variations to this concept. If the decision is made to pursue such an alternative, there would be need to do a more extensive study of the existing topography and significant vegetation.

FINAL COMMENT

Anytime infrastructure development does not follow the subdivision of land, the result is a burden to the city and the property owners. This area is a significant location on an improved major thoroughfare. Everyone is losing by not having viable utilization of this area of our city. We hope that the analysis provided here can be used to forward the eventual utilization of this property. We are available to discuss these finding at your convenience.

cc: Charles Conner  
John Lenz

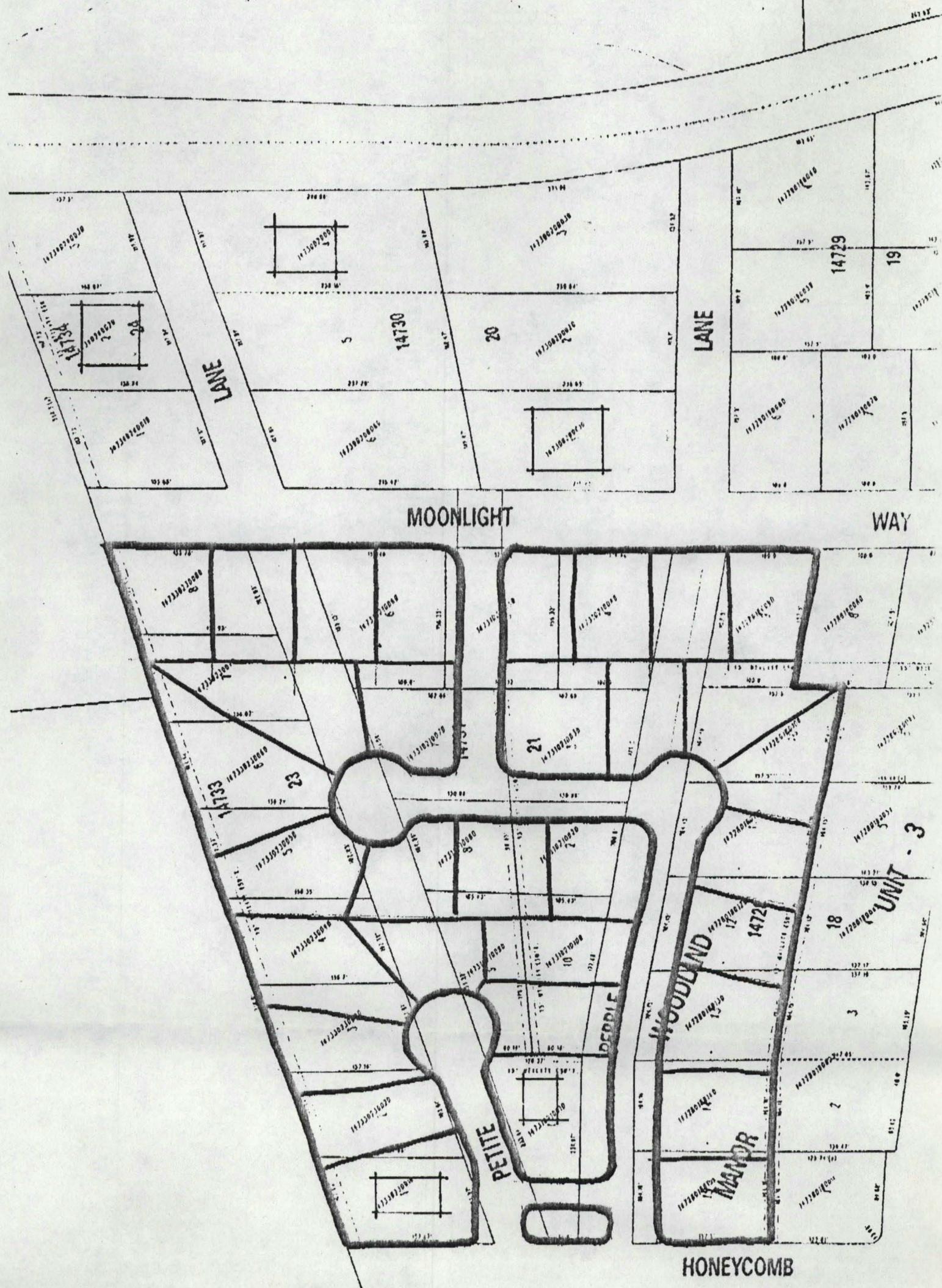
HLJ



P-6  
AS SHOWN  
(174,950 sq ft)



Scale: 1" = 100'



MOONLIGHT

WAY

LANE

WOODLAND

MANOR

HONEYCOMB

UNIT - 3

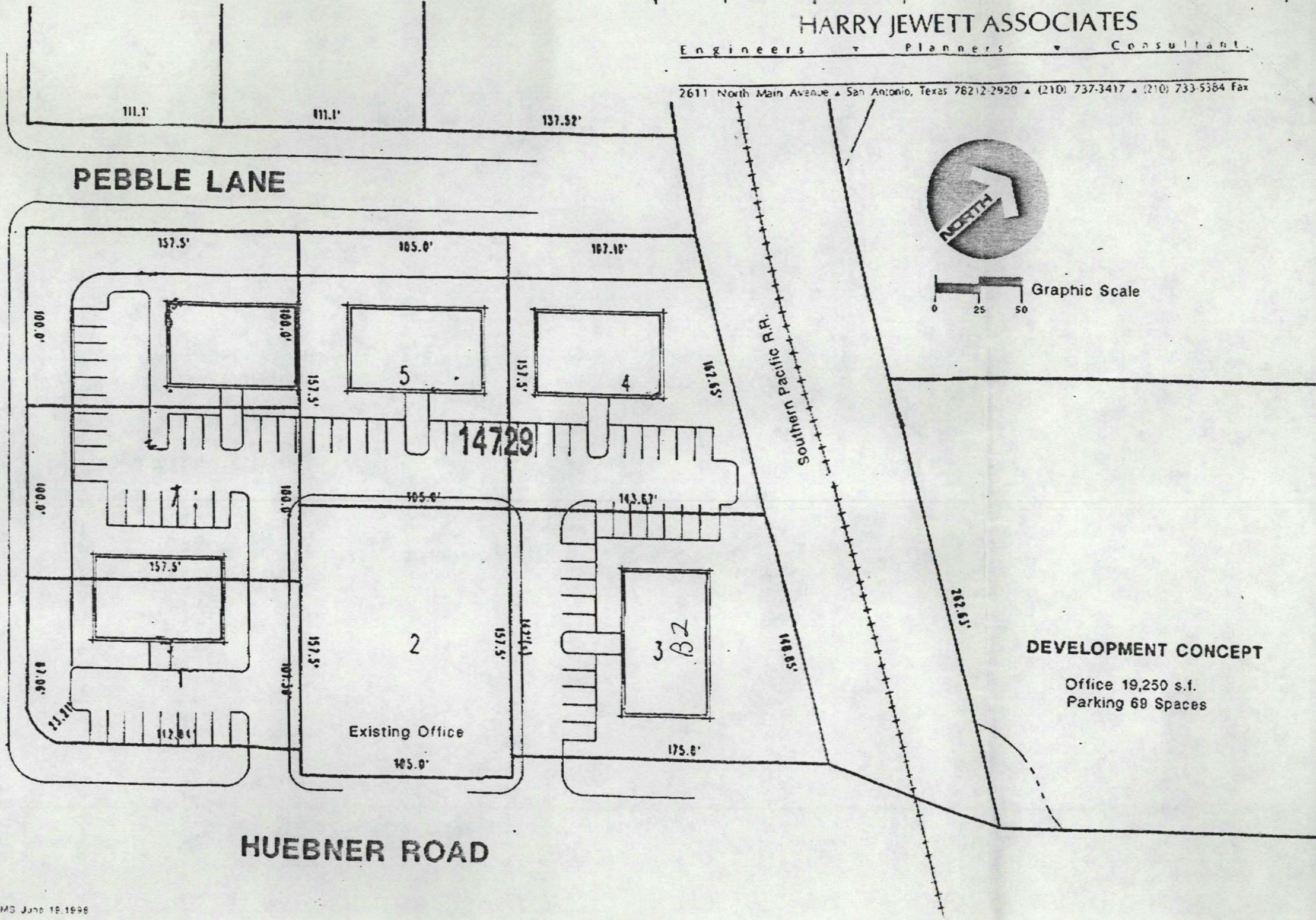
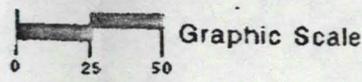
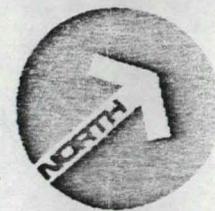
A

JUL-24-1996 13:20 FROM HARRY JEWETT ASSOCIATES TO P.06 3404419

MOONLIGHT WAY

PEBBLE LANE

HUEBNER ROAD



DEVELOPMENT CONCEPT

Office 19,250 s.f.  
Parking 68 Spaces